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14 **Page]**

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION  
18

19 NEXT GENERATION SYSTEMS, INC.,

20 Plaintiff,

21 v.

22 BROCADE COMMUNICATIONS  
SYSTEMS, INC.,

23 Defendant.  
24

Case No. C 14-03366 PSG

**~~[PROPOSED]~~ ORDER FOR  
DISMISSAL AND AMENDMENT**

Judge: Hon. Paul S. Grewal  
Amended Complaint Served: Nov. 13, 2014  
Response Due: Dec. 4, 2014

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**~~[PROPOSED]~~ ORDER FOR DISMISSAL  
AND AMENDMENT  
C 14-03366 PSG**

1 Having considered the Joint Stipulation for Dismissal and Amendment, and good cause  
2 appearing therefor, the Court hereby ORDERS as follows:

3 1. NGS's state law claims arising from NGS's allegations in the Complaint that were  
4 or could have been pled in this action, based on its knowledge as of November 13, 2014,  
5 including without limitation Counts 2-4 of the Complaint, are hereby dismissed with prejudice;

6 2. All costs and fees associated with the foregoing dismissed claims are to be borne  
7 by the party incurring same;

8 3. Brocade's response to the First Amended Complaint is due twenty-one (21) days  
9 from the filing of the First Amended Complaint; and

10 4. Brocade's Motion for Partial Judgment on the Pleadings is hereby ordered  
11 withdrawn as moot.

12  
13 **IT IS SO ORDERED.**

14  
15 Dated: Nov. 18, 2014

  
HON. PAUL S. GREWAL

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18 Submitted By:

19  
20 /s/ Sarah M. Paxson  
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